

Chapter 5

Appearances Before Congressional Committees

5-1. Policy

The Army policy is to provide knowledgeable, experienced, and prepared officials to present testimony at congressional hearings. Statements presented by Army witnesses will be consistent with DA, DOD, and administration policy and cleared by OMB. Testimony by Army witnesses at congressional hearings is critical to ensuring congressional awareness and understanding of Army policies, programs, and challenges, as well as ensuring support for Army legislative initiatives, resource requirements, and policies and programs.

5-2. Support to witnesses testifying during congressional hearings

a. The CLL will designate a legislative liaison officer or legislative counsel for each hearing involving Army witnesses. The ASA(FM&C) will designate a representative from the Congressional Budget Liaison Office for posture hearings or other hearings concerning the DOD Appropriations Act process. The designated hearing representative shall assist Army witnesses and other Army personnel in preparing, coordinating and clearing hearing statements, ensure witnesses are informed of DA and DOD policies and positions on the subject of the hearing, provide advice and assistance to the witness during all phases of the hearing, as well as attend the hearing.

b. The hearing representative will maintain liaison with the congressional committee during all phases of the hearing. The hearing representative shall provide a report on all significant issues arising during the hearing and ensure additional information requested during the hearing is provided.

c. The agency sponsoring the witness will provide support as needed to the witness and facilitate his or her attendance at the hearing.

5-3. Selection of witnesses

a. In most hearings involving the Army, congressional committees invite a specific Army official to testify. Officials receiving an invitation to testify shall provide a report via email to daconrep@hqda.army.mil summarizing the reason for the invitation. The report may include a recommendation for an alternative witness, or for other supporting witnesses.

b. If the selection of witnesses is left to DA, the CLL will coordinate with the Army agency with oversight responsibility or interest to select the best possible witness. Individuals will be designated as witnesses on the basis of grade and position, knowledge of the subject matter, and ability to present the Army position. The agency sponsoring the designated witness will provide support as needed to the witness and facilitate his or her attendance at the hearing.

5-4. Hearing statements

a. In most cases, congressional committees will require witnesses to provide a written hearing statement 48 hours prior to the hearing. Hearing statements are important official documents that will be published in the hearing transcript and made available to the media and the public. Officials responsible for preparing statements will ensure that classified information is not contained in the hearing statement. Hearing statements will be concise, informative, inclusive, and consistent. Whenever possible, action agencies will initiate hearing statements at least 10 working days in advance of the hearing to ensure sufficient time is available to complete the clearance process.

b. Written hearing statements must be cleared by DA, OSD, and OMB prior to release to Congress to ensure they reflect DA, DOD, and administration policy and are consistent with the President's budget. The action agency will coordinate the statement with DA offices having oversight responsibility or a direct interest in the content of the statement. A coordinated copy of the statement will be provided to the CLL, ASA(FM&C), or ASA(CW) liaison officer handling the hearing at least 5 working days prior to the hearing. The CARSOP contain additional information

concerning witness statement preparation and clearance process. Hearing statements will not be provided outside DOD or the administration until cleared by OMB and will not be released to the public until authorized by the congressional committee holding the hearing.

c. Witnesses will ensure that oral testimony presented during the hearing and responses to questions are consistent with their prepared statement. Witnesses who do not have cleared written statements must receive special authority to present testimony during congressional hearings. Witnesses authorized to testify without prepared statements will ensure their testimony is unclassified and consistent with DA, DOD, and administration policy.

d. Classified information will be provided only in closed sessions consisting of individuals who are authorized access to the subject classified information. When a question is asked in open session that requires a classified answer, the witness will advise the committee that the question cannot be answered because of security reasons. Prepared statements, oral statements, and testimony given in closed sessions of congressional committees are the property of the committee and will not be released to individuals or agencies outside DOD except by permission of the committee or by the committee.

5–5. Responsibilities after hearings

a. Army officials appearing as hearing witnesses will ensure information requested during a hearing is forwarded to the CLL (or to the ASA(FM&C) or ASA(CW) as appropriate) for transmittal to the committee.

b. The CLL will coordinate and assign to appropriate Army agencies congressional committee hearing transcripts and inserts for the record. An insert is any information that is inserted into a transcript to complete the record of the hearing. Inserts are usually answers to Member questions that require additional information from the witness, or written supplemental questions for the record submitted after the hearing. Inserts may also include the witness's prepared statement, biographical sketch, charts, or any published document required by the committee, such as the Army Posture Statement.

c. After the hearing, a copy of the transcript is normally made available to the witness for review and correction. Witnesses may correct grammatical or typographical errors in their transcripts provided the corrections do not alter the meaning of their testimony. If any material part of the testimony has been incorrectly reported or if substantial changes are considered necessary, witnesses shall seek guidance from OCLL.